

*Final Report*

**POST-ELECTIONS ASSISTANCE**  
**Ensuring a Smooth Transition**

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## I. INTRODUCTION

This purpose of this paper is to examine and highlight USAID-funded ‘post-elections assistance’ programs carried out primarily by the National Democratic Institute (NDI), the International Republican Institute (IRI), the International Foundation for Electoral Systems (IFES), and the African-American Institute (AAI). The paper also seeks to examine role of post-elections assistance in the broader context of a democratic elections assistance strategy. For the sake of this particular study, “post-elections assistance” is defined as programming which occurs between elections and the seating of the new government,<sup>1</sup> and which is aimed at helping to effect a smooth political transition and assisting newly elected officials in fulfilling their roles and responsibilities under the new political system.

The post-elections assistance category appears to have been established at the urging of some of the organizations above to facilitate the funding of key transitional support programs that: a) must logically begin immediately after elections, b) take advantage of the momentum and international (and national) attention elections have generated, and c) help ensure that elections are considered in a broader political context. Many of these activities dove-tail well with longer term ‘governance’ work, and could in theory be built into longer-term governance grants. In this category are a variety of capacity-building activities for newly elected members of parliament or the executive, assistance for developing constituent relations, as well as civic education regarding the transition process and

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<sup>1</sup> This was the definition of Post-elections assistance agreed upon by the Elections team of the Democracy and Governance Center and the MSI team. It was felt that this limitation was necessary to avoid reaching into areas covered by other democracy-governance assistance activities. It was felt that assistance after the new government takes office clearly falls outside the domain of post-elections assistance, or would be covered under normal elections assistance programs.

the new political system for opposition parties, civil society organizations, and the media. Constraints on the rapid availability of funds for longer-term governance programming right after elections has contributed to the creation of a separate funding category for post-elections assistance.

For the most part, post-elections assistance activities have in the past been integrated into other electoral assistance grants. These activities include roundtables and focus groups to examine electoral outcomes; assessments of ‘lessons learned’ for electoral officials and other political actors; providing recommendations for future election administration efforts; capacity-building for domestic monitoring groups; advice and education about the legal framework for elections, including electoral appeals; and technical assistance for the adjudication of electoral disputes.

There is also a small set of activities that do not fit logically into any other assistance category, and that would not necessarily lead to follow-on activities. Examples include orientation for newly elected officials, of the kind provided in the U.S. for newly elected governors, or one-off requests for assistance from legislative bodies. Albania’s request for NDI to aid in drafting new rules of procedure provides a sound example of the latter, and is discussed at greater length below. These kinds of programs may occur in countries that have already held transitional elections and are working toward consolidation of the political system, as in the first example, where more involved training is not necessary. Or they may be part of a process in which the party institutes and other democracy and governance organizations begin to build relationships with relevant political and societal actors, which may evolve into longer-term relationships.

Post-elections assistance thus provides a flexible funding mechanism for a wide variety of activities that may or may not be integrated into electoral or longer term democracy and governance programs.



## II. DEFINING AND ASSESSING POST-ELECTIONS ASSISTANCE

To what extent has targeted post-elections assistance contributed to a more effective and holistic approach to political transitions? Ideally, an assessment of post-elections assistance would address the following questions:

1. To what degree has post-elections assistance “fostered acceptance by incumbents and ‘losers’ of election results?”
2. To what extent has it affected the ability of officials to fulfill their roles and responsibilities?
3. Have post-elections assistance activities fostered public confidence in government accountability and ability to carry out an effective transition?

While it is possible to separate out post-elections assistance activities for administrative and analytical purposes, the impact of these programs is likely to depend upon their role as part of a larger strategy of assistance beginning well before the elections and continuing for more than just a few months after the elections. For example, much of what will guarantee public confidence in the electoral and transition process is done before the elections, well before this transitional period between elections and seating of the new government. Similarly, acceptance by political actors of the election results generally, but certainly not always, implies a prior acceptance of and commitment to the electoral process itself.<sup>2</sup> This suggests the utility of thinking about elections as the middle segment of a process that runs from the announcement that elections will occur to the seating of the new government. Thus, post-

elections assistance becomes part of a more tightly integrated concept of the transition process. Indeed many of the activities highlighted in this paper were carried out as part of longer-term, existing grants for elections assistance.

As for the ability of officials to fulfill their roles and responsibilities in the political system, assistance carried out during the very brief and narrowly defined post-elections period can only begin to make an impact. While in some cases requests for assistance may be limited to orientation for incoming elected officials, unless USAID is dealing with a well-established democracy, the ability of these officials to fulfill their roles and responsibilities will depend upon their effective interaction with a host of other political and societal actors. These include officials from other parts of government as well as societal interest groups, to name just a few.<sup>3</sup> Thus, fulfilling this objective is logically part of a longer-term process. While some kinds of programs can be completed in a period of several months, it is important to recall the initial impetus for creating this category of assistance. The idea was not necessarily to confine programming to the period ending on inauguration day, but rather to ensure that post-electoral assistance could begin immediately following elections.

This is not an argument against including training and capacity-building programs under post-electoral assistance. It is meant instead to highlight the importance of providing for careful assessment of these activities at the end of the post-elections period in order to ensure the necessary continuity and coordination of programming for the longer term.

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<sup>2</sup> Not infrequently, opposition groups will only grudgingly or reluctantly agree to abide by or accept the rules of the electoral process, and may withhold complete acceptance pending what they view as an “acceptable” election outcome.

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<sup>3</sup> Interestingly, while both NDI and IFES gave one-shot, orientation-type training programs for newly elected officials as an example of why it was important to have post-elections assistance as a separate category, the study found only one example of this type of program that was not part of an electoral assistance project.

Finally, it is important to point out that training and other activities that take place during the immediate post-elections period are valuable not just for their substantive results but because they help to maintain the momentum of the transition. These activities also demonstrate that the international community is interested and engaged in the overall transition process and not just the elections, and allow D/G organizations to establish working relationships with the new political actors, thus facilitating longer term work.

With these caveats in mind, the next section examines program imperatives for the post-elections period and provides selected examples of post-elections assistance.

### **III. TYPES OF POST-ELECTIONS ASSISTANCE**

Post-elections assistance responds to a number of important needs in this crucial, uncertain period. Typically, these include:

- Establishing and strengthening the legal infrastructure of the new political system
- Familiarizing all relevant actors with the new political system and begin to establish consensus on the rules of the political game
- Dealing constructively with potential threats to the new system such as the military, security forces, and losing political parties
- Building upon human and organizational resources created during the electoral period
- Improving transparency, accountability and public confidence in the transition and consolidation process

Given the interrelationship between these objectives, well-designed programs are likely to respond to more than one of them. For example, strengthening the legal infrastructure of the new political system may also contribute to greater transparency and accountability. Increasing the understanding of the new political system by all relevant actors may help to reduce the threat of

intervention by remnants of the old regime. And measures taken to address any one of the issues above are likely to generate greater public confidence in the transition. This section describes these imperatives in more detail and reviews selected initiatives that have responded to them.

#### ***Helping to establish and/or strengthen the legal framework for the new political system.***

In transitional settings, elections do not simply determine who will hold which political offices. They bring into being a new set of governing institutions, whose respective roles may not yet be well-defined. In the case of the 1999 general elections in Nigeria, for example, elections were held without a clear constitutional framework in place. Establishing a constitutional and legal framework that sets out the rules of governance will be a crucial task of the post-electoral period. The constitution must be clear in delineating the duties and limits of power for elected office, and in explaining and describing inter-governmental and inter-branch relationships.

Just as crucial is the development of rules concerning electoral appeals. Are there clear legal procedures for appeals and challenges? Are the institutions that are supposed to handle these appeals in place and functioning correctly? This kind of assessment has often taken place as part of pre-election work. For example, the 1994 NDI pre-election assessment mission in Namibia identified potential problems with the Namibian Electoral Act concerning the “complicated and time-consuming procedures for challenging election results.” They identified provisions in the electoral law regarding reporting of results that could weaken public confidence in the transition. In turn, they recommended that the Namibian parliament consider amending the Act to provide the Namibian High Court with more comprehensive powers over the electoral process. NDI’s intervention was picked up by the Namibian press and likely had an impact on public confidence in the election.

During the post-election period it may also be useful to assess the need for revisions to the electoral code, or for fundamental legal changes affecting the electoral system. In Uganda, AAI funded the Uganda Joint Christian Council to organize a series of seminars to facilitate citizen input into the new constitution (1994), in preparation for scheduled 1995 elections. At stake in these consultations on the new constitution were the defining structures of the new political system: multiparty vs. no-party, and federalism vs. decentralization. More than 700 people participated, and the results of these seminars were reported to Uganda's Constituent Assembly for consideration.

One of USAID's primary elections partners, IFES, routinely provides support for the drafting of electoral laws and the establishment of legal frameworks to address electoral challenges. However, this is usually provided as part of an overall electoral assistance program.<sup>4</sup>

***Familiarizing all players with the new political system, providing technical assistance for newly established political institutions.***

Even where a constitutional framework does exist, new political institutions may be put into play for the first time. This applies not only to transitional elections but also to first-time elections at the local level, for example. Thus a primary goal of post-electoral assistance is to provide all relevant actors with a clear understanding of the new rules of the game. This includes not only the new officeholders (in the executive, in the legislature, perhaps even in the judicial system), but also members of civil society organizations, opposition parties, the media and ordinary citizens. There is a good deal of attention to helping different political and social sectors understand and participate in elections. At least as much effort must be given to ensuring that there is a working understanding

of the new political system those elections are meant to bring about.

In Nigeria, USAID opted to train newly elected officials in the period between elections and transfer of power in 1999. Utilizing its rapid response unit, the Office of Transition Initiatives (OTI) and institutional partners on the ground, USAID initiated post-elections assistance within days of the election. Johns Hopkins already had a grassroots network in place and was selected to carry out training for elected officials at the local level. NDI, which had helped create the Transitional Monitoring Group (TMG) a network of 45 NGOs during the election campaign, quickly shifted into training of governors-elect. Management Systems International, a private contractor to the Democracy Governance Center, organized training for those elected to both houses of the parliament. State legislators-elect were also invited to participate in this training. All these activities were carried out in a three month period and once the newly elected assumed office, assistance programming shifted from post-elections to governance.<sup>5</sup>

NDI's work with the Albanian parliament on revising that body's Rules of Procedure is a case in point. Shortly after Albania's general elections in 1997, NDI assembled an international team of experts on parliamentary procedure to evaluate parliament's existing rules and make suggestions for possible revision. Similarly, NDI conducted a regional program in Niger for members of parliament from Niger, Benin, and Mali, shortly after Niger's 1993 elections. (January 1994).

IFES' five-year local government capacity-building project in Ghana is an example of longer term work in this category. The project provides managerial training to local government officials and promotes interactive problem solving and policy discussion between civic leaders and local government officials.

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<sup>4</sup> See Ronald G. Shaiko and Stephen Nix, "Case Study: Elections Assistance in Ukraine", USAID: Washington D.C., 1998.

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<sup>5</sup> Phone interview with Ronald G. Shaiko, Democracy and Governance Center, USAID/W.

Still another type of intervention is illustrated by IFES' work on developing and disseminating a manual on the organization of municipal elections, which was distributed both to election officials and to other interested groups (1996-98).

***Design of programs to minimize threats from the old regime.***

This might include helping the military return to the barracks; assisting in the reform of police and security forces to minimize paramilitary activity and direct intimidation by old-guard security force elements; exploring possibilities for truth and reconciliation commissions, amnesty laws, tribunals, other mechanisms for dealing with human rights violations by the old regime, and providing technical assistance to such initiatives<sup>6</sup>. Other possibilities might include engaging opposition groups which could potentially threaten the newly elected regime.

While it was not carried out before the seating of the new government, AAI's civil-military relations program in Sierra Leone is a good example. Several months after the February/March 1996 elections in which power was handed from a military junta to civilian government, AAI, the National Commission for Democracy (of Sierra Leone) and the Ministry of Defense collaborated on a series of four conferences on civil-military relations, involving civilian and military leaders from four different regions of the country. The goal was to encourage civilian and military leaders to cooperate in the resolution of the myriad difficulties confronting Sierra Leone's transition, and to define a constructive role for the military in this process.

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<sup>6</sup> It can be easily noted that many of the suggested activities begin to spill over into other DG areas of assistance such as civil-military relations and rule of law. Rapid response post-elections activities, however, may allow the mission to capitalize quickly on opportunities in these areas.

***Sustaining and building upon human and organizational resources created during the electoral period.***

These include domestic election monitoring groups, pollworkers and higher level electoral officials, among others. Assistance could include series of in-country workshops for debriefings of local level electoral officials, as well as membership in international associations of election administrators and international conferences for further training. In Nigeria, NDI worked with the Transition Monitoring Group (TMG) as it began to strategize its role in the post-election period. NDI put the TMG with groups from other parts of the world which have grappled with defining their objectives outside of an electoral context.

In Mali (1997), NDI provided technical assistance to the Network to Support Electoral Processes in Mali (APEM), a domestic monitoring group comprised of more than 40 Malian NGOs, during presidential and legislative elections. Ongoing training following those elections helped prepare the group to monitor municipal elections scheduled for the following year.

In Côte d'Ivoire and South Africa, NDI organized roundtables for election administrators, political parties, members of the judiciary, and others, to assess the conduct of elections. In South Africa (1994), these sessions covered electoral structure and procedures, violence in the elections, the role of ethnic and regional cleavages, voter education, and the campaign process. A similar program was planned by NDI in Pakistan (1993). Likewise it may be useful during the post-election period, and before memories begin to fade, to assess the need for revisions in the electoral law in concert with local elections commissioners or officials. For instance, following the 1999 election in Nigeria, IFES and elections commission officials carried out a joint assessment to establish recommendations for future administration of elections.

In Haiti, IFES helped the Haitian government to establish a Permanent Electoral Council, providing technical assistance on electoral administration and the establishment of a regulatory framework. (1995-97) An excellent example of long term programming in this area is the creation of the various regional associations of election administrators (Association of Asian Electoral Authorities, etc.), carried out with CEPPS funding. These networks allow electoral officials, and other election related domestic groups to network and share experiences and lessons learned – and thus assist in building their individual and collective capacity.

***Improving transparency and accountability, building public confidence during the transition process.***

Voter apathy toward elections, and citizen apathy toward the political system more broadly, often stems from a sense that the results matter little if at all to their lives, or to the way in which the public business is conducted. Politicians, for their part, may feel that with the passing of elections, the eye of the international community has also moved on, thus reducing their motivation to act in good faith under the new system.

Programs that aim to enhance transparency and accountability can help bolster public confidence in the transition as well as help to constrain and shape the behavior of politicians. Examples include working with civil society groups, perhaps the same ones that monitored elections, as well as political parties and journalists to ensure that they understand the electoral appeals process and the rest of the transition timetable and its ground rules. In addition, this affords them the opportunity to become trained and better equipped to monitor and participate in the electoral process. Media training programs targeted at coverage of transition issues are another example, as are more general civic education programs related to key aspects of the transition process.

The NDI/ IRI South African Election Law Advisory Program (1994) is an example of a program that clarified the legal framework for the electoral process, and at the same time helped to: 1) increase transparency of the transition process; 2) familiarize political parties with the rules of transition; and 3) raise parties' confidence in the transition process. In that program, international electoral experts maintained a continuous presence in South Africa before, during, and after the elections, providing all interested political parties (as well as member of the Independent Electoral Commission) with impartial legal assessments/ explanations of the electoral law, and assistance in clarifying the electoral and appeals processes for political parties.

In Bosnia-Herzegovina, Ghana, Kazakhstan, Liberia, Panama, Paraguay and elsewhere, IFES and other USAID partners have provided technical assistance to empower NGOs and other civil society organizations to better understand, monitor and participate in transition processes, from elections to the establishment of new forms of local government. NDI's mediation initiative and electoral observation activities during Mali's 1997 elections are another example of this kind of work. Malian political actors on both sides of the political divide cited NDI's presence and active efforts to keep parties and civil society organizations informed as having helped defuse tension and distrust surrounding the elections.

#### IV. CONCLUDING REMARKS

The narrowly defined category of post-elections assistance is somewhat baffling without an appreciation of the administrative limitations that surround democracy and governance funding. Why create a category of assistance defined for use in a period that might be as short as a few weeks and rarely lasts longer than a couple of months, particularly when many of the activities to be funded appear to fit under existing categories (such as electoral assistance or governance)?

The justifications for this are both logistical and political. Defining post-elections programming in this way requires smaller commitments of resources by USAID in a context of great uncertainty. Money for programming that will take place immediately after elections must be committed before elections, before the outcome of the electoral process is known. What if the process turns out to be fatally flawed? What if no transition occurs? What if there is a return to authoritarian rule? Defining post-electoral assistance so narrowly minimizes risk without producing excessive down-time following the elections.

From the perspective of the organizations engaged in post-elections assistance, the most important constraint is the timely availability of funds to begin work immediately after elections. The party institutes and others working in this area report that before the creation of this category, post-elections programming often had to await a new round of assessment missions and funding requests.

These are valid and important concerns, and those implementing elections programs feel strongly that the post-elections assistance category is an effective mechanism for addressing them. Yet it appears that many, if not most, of the programs described above which fit most closely the definition of post-electoral assistance were funded under electoral assistance programs. Moreover, there were very few one-off, short term training programs for newly elected officials in the materials reviewed.

This raises the question of the utility of having a post-elections assistance category as it is currently defined.

Finally, this review of post-elections assistance programs prompts two other recommendations. First, donors must approach electoral assistance as spanning a longer period of time, to incorporate initiatives that need to begin immediately after elections and that will be of considerable importance for reinforcing the electoral transition process. It appears that this is what is happening in practice in many cases. Second, since few of the programs self-described by IFES, NDI, and the other relevant organizations as post-elections programs appear to be limited to the period between elections and inauguration of the new government, and most last longer than a few months, it will be important to coordinate these programs with longer term 'governance' initiatives.

## Notes